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THE SMUGGLER.

(Concluded from page 166.)

The conflict of winds and waves was indeed tremendous, and I felt too forcibly convinced, that if the poor Campbells were indeed exposed to it in their little fishing-boat, nothing short of a miracle could save them from a watery grave. There was a chance however, that the landing of the contraband goods might have been effected by the crew of the lugger, without help from the shore, and in that case, the prolonged absence of the father and son might arise from their having proceeded with them to some inland place of concealment. The probability of this suggestion was eagerly caught at by the conscious pair, but the ray of hope gleamed with transient brightness. A gust of wind, more awful than any which had preceded it, rushed past with deafening uproar, and as it died away, low sobs, and shrill moaning lamentations, seemed mingled with its deep bass. We were all silent, now straining our sight from the cabin door into the marky gloom without,—now gathering together round the late blazing hearth, where the neglected embers emitted only a fitful glimmer. The wind rushed through every chink and cranny, waved to and fro the flame of the small candle, declining in its socket; and at last the hour of twelve was struck by the old clock that "ticked behind the door" in its dark heavy case. At that moment a large venerable looking book, that lay with a few others on a hanging shelf, near the chimney, slipped from the edge on which it rested, and fell with a dull heavy sound at Margaret's feet. It was the Bible that had belonged to her husband's mother, and as she stooped to pick it up, and replace it, she perceived that it had fallen open at the leaf, where, twenty-two years back from that very day, the venerable parent had recorded, with pious gratitude, the birth of her son's first born. "Ah, my dear son! my good Maurice!" ejaculated, the heart-struck mother; "I was not used to forget the day God gave thee to me—Thou wert the first to leave me, and now"—She was interrupted by the low inarticulate murmur of a human voice that sounded near us. We all started, but Amy's ear was familiarized to the tone—it was that of one of her little ones talking and moaning in its sleep. The small chamber where they lay opened from that we were in, and the young mother crept softly towards the bed of her sleeping infants. She was still bending over them, when the outer door was suddenly dashed open, and Campbell—Campbell himself, burst into the cottage. Oh! with what a shriek was he welcomed; with what a rapture of inarticulate words, clinging embraces, and tearful smiles! But the joy was transient, and succeeded by a sudden chill of nameless apprehensions; for, disengaging himself almost roughly from the arms of his wife and daughter, he staggered towards his own old chair, and flinging himself back in it, covered his face with his clasped hands. One only cause for this fearful agitation suggested itself to his trembling wife. "My son! my son!" she shrieked out, grasping her husband's arms, "what have you done with him? He is dead! he is murdered! Oh! I knew it would come to this."—"Peace, woman!" shouted Campbell, in a voice of thunder, uncovering his face as he started up wildly from his chair, with a look of appalling fierceness—"Peace, woman! your son is safe;" then his tone suddenly dropping to a low hoarse murmur, he added, "This is not his blood," and he flung on the

ground his broad white belt, on which the tokens of a deadly fray were frightfully apparent. "Campbell!" I cried, "unhappy man! what have you done? to what have you brought your wretched family? For their sakes escape, escape for your life, while the darkness favours you." He trembled, and looked irresolute for a moment, but immediately assuming the voice and aspect of desperate sternness, replied, "it is too late—they are at my heels—they tracked me home;" and while he yet spoke, the trampling of feet, and the shout of loud voices was heard; the door burst open, and several rough looking men, in the garb of sailors, rushed into the cottage. "Ah! we have you, my man," they vociferated—"we have you at last, though the young villain has given us the slip."—"Villain!" shouted Campbell; "who dares call my son a villain?" But checking himself instantaneously, he added, in a subdued quiet tone, "but I am in your power now, you may do what you will;" and once more he seated himself in sullen submissiveness. The women clung weeping round him, his unhappy wife exclaiming, "Oh! what has he done? if there has been any mischief, it is not his fault—he would not hurt a fly—For all his rough way, he is as tender hearted as a child—Richard! Richard! Richard! speak to them—tell them 'tis a mistake." He neither spoke nor moved, nor lifted up his eyes from the ground on which they were fixed. "No mistake at all, mistress," said one of the men, "he has only shot one of our people, that is all, and we must just fit him with a couple of these new bracelets." And so saying, he began fastening a pair of handcuffs round Campbell's wrists. He offered no resistance, and seemed indeed almost unconscious of what was doing, when the eldest of Amy's children, a pretty little girl of four years old, who having been awakened by the noise, had crept softly from her bed, and made her way unperceived towards her grandfather, burst into a fit of loud sobbing, and climbing up upon his knees, and clasping her little arms about his neck, and laying her soft cheek to his dark rough one, lisped out, "send away naughty men, grandad—naughty men frighten Amy."

The springs of sensibility that seemed frozen up in Campbell's bosom were touched electrically by the loving tones and caresses of his little darling. He hugged her to his bosom, which began to heave with deep convulsive sobs, and for a moment the tears of the old man and child mingled in touching silence. As he clasped her thus, the handcuff that was already fastened to his left wrist, pressed painfully on her tender arms, and as she shrunk from it, he seemed first to perceive the ignominious fetter. His brow was wring with a sudden convulsion, but its distortion was momentary, and turning to his weeping daughter, he said quietly, "Amy, my dear child! take the poor baby; I little thought, dear lamb! she would ever find hurt or harm in her old grandfather's arms." It was a touching scene—even the rough sailors seemed affected by it, and they were more gently executing their task of fitting on the other manacle, when again steps and voices approached; again the door opened, and a second band appeared at it, a group of sailors likewise, bearing amongst them a ghastly burthen, the lifeless body of the unfortunate young man who had been shot in the execution of his duty, by the rash hand of the wretched culprit before us, whose sin was not the less fatal, for having been almost unconsciously taken in the bustle of a desperate conflict. "We've missed our boat, and we could not let him lie bleeding on the beach," said one of the new comers, in reply to an exclamation of surprise from those who before occupied the cottage. Campbell's agitation was dreadful—he turned, shuddering, from the sight of his victim. The women stood petrified with horror. I alone retaining some self-possession, advanced to examine if human aid might yet avail to save the poor youth, who was laid (apparently a corpse) on three chairs, near the door. Comprehending my purpose, the humane tenderness of

poor Margaret's nature surmounted her agonizing feelings, and she came trembling to assist in the painful examination. The young man's face was turned from us towards the wall, and almost covered by his luxuriant hair, (a sailor's pride,) which, escaping from the confining ribbon, had fallen in dark wet masses over his cheek and brow. His right hand hung down from his side, and on taking it into mine, I found it was already cold as marble, and that no pulse was perceptible in the artery. Margaret had as expeditiously as her agitation would permit, unclosed his sailor's jacket, and checked shirt, and though she started and shuddered at the sight of of blood thickly congealed over his bosom, she persisted heroically in her trying task. His neck-handkerchief had been previously untied, and stuffed down as a temporary pledget into the wounded breast. In removing it, Margaret's finger became entangled by a black string passed round the youth's neck, to which a small locket was suspended. She was hastily moving it aside, when the light held by one of the sailors fell upon the medallion, (a perforated gold pocket piece) and her eye glancing towards it at the same moment, a half choaked exclamation burst from her lips, and looking up, I saw her standing motionless, breathless, her hands clasped together with convulsive energy, and her eyes almost starting from their sockets, in the stare of indescribable horror with which they were rivetted on the suspended token. At last, a shriek (such a one as my ears never before heard, the recollection of which still curdles the blood in my veins) burst from her lips, and brought her daughter and husband (even the unfortunate man himself) to the spot where she stood absorbed in that fearful contemplation. She looked up towards her husband (on whose brow cold drops of agony were thickly gathering, whose white lips quivered with the workings of a tortured spirit), she gazed up in his face with such a look as I shall never forget. It was one of horrid calmness, more fearful to behold than the wildest expressions of passionate agony, and grasping his fettered hand firmly in one of her's and with the other pointing to the perforated gold piece, as it lay on the mangled bosom of the dead youth, she said in a low steady voice, "Look there! what is that?—*Who* is that, Richard?" His eyes rivetted themselves with a ghastly stare on the object to which she pointed, then wandered wildly over the lifeless form before him; but the tremulous agitation of his frame ceased, the convulsive working of the muscles of his face changed into rigid fixedness, and he stood like one petrified in the very burst of despair. Once more she repeated, in the same calm deliberate tone, "*Who* is *that*, Richard?" and suddenly leaning forward, dashed aside from the face of the corpse the dark locks that had hitherto concealed it. "There, there!" she shrieked —"I knew it was my son!" and bursting into a frenzied laugh, she called out, "Amy! Amy! your brother is come home! come home on his birthday?" And snatching her husband's hand, she endeavoured to drag him towards the pale face of the dead. He to whom this heart-rending appeal was addressed, replied only by one deep groan, which seemed to burst up the very fountain of feeling and of life. He staggered back a few paces—his eyes closed—the convulsion of a moment passed over his features, and he fell back as inanimate as the pale corpse that was still clasped with frantic rapture to the heart of the brain-struck mother.

DISTANT CORRESPONDENTS.

[In a Letter to E. F. Esq. at Sydney, New South Wales.]

My dear F.—When I think how welcome the sight of a letter from the world where you were born must be to you in that strange one to which you have been transplanted, I feel some compunctious visitings at my long silence. But, indeed, it is no easy effort to set about a correspon-

dence at our distance. The weary world of waters between us oppresses the imagination. It is difficult to conceive how a scrawl of mine should ever stretch across it. It is a sort of presumption to expect that one's thoughts should live so far. It is like writing for posterity; and reminds me of one of Mrs. Rowe's superscriptions, "Alcander to Strephon, in the shades." Cowley's Post-Angel is no more than would be expedient in such an intercourse. One drops a pacquet in Lombard-street, and in twenty-four hours a friend in Cumberland gets it as fresh as if it came in ice. It is only like whispering through a long trumpet. But suppose a tube let down from the moon, with yourself at one end, and *the man* at the other; it would be some hauk to the spirit of conversation, if you knew that the dialogue exchanged with that interesting theosophist would take two or three revolutions of a higher luminary in its passage. Yet for aught I know, you may be some parasangs nigher that primitive idea—Plato's man—than we in England here have the honour to reckon ourselves.

Epistolary matter usually comprisetth three topics; news, sentiment, and puns. In the latter, I include all non-serious subjects; or subjects serious in themselves, but treated after my fashion, non-seriously.—And first, for news. In them the most desirable circumstance, I suppose, is that they shall be true. But what security can I have that what I now send you for truth shall not before you get it unaccountably turn into a lie? For instance, our mutual friend P. is at this present writing—*my* Now—in good health, and enjoys a fair share of worldly reputation. You are glad to hear it. This is natural and friendly. But at this present reading—*your* Now—he may possible be in the Bench, or going to be hanged, which in reason ought to abate something of your transport (*i. e.* at hearing he was well, &c., or at least considerably to modify it. I am going to the play this evening, to have a laugh with Joey Munden. You have no theatre, I think you told me, in your land of d——d realities. You naturally lick your lips, and envy me my felicity. Think but a moment, and you will correct the hateful emotion. Why, it is Sunday morning with you, and 1823. This confusion of tenses, this grand solecism of *two presents*, is in a degree common to all postage. But if I sent you word to Bath or the Devizes, that I was expecting the aforesaid treat this evening, though at the moment you received the intelligence my full feast of fun would be over, yet there would be for a day or two after, as you would well know, a smack, a relish left upon my mental palate, which would give rational encouragement to you to foster a portion at least of the disagreeable passion, which it was in part my intention to produce. But ten months hence your envy or our sympathy would be as useless as a passion spent upon the dead. Not only does truth, in these long intervals, un-essence herself, but (what is harder) one cannot venture a crude fiction for the fear that it may ripen into a truth upon the voyage. What a wild improbable banter I put upon you some three years since—of Will Weatherall having married a servant-maid! I remember gravely consulting you how we were to receive her—for Will's wife was in no case to be rejected; and your no less serious replication in the matter; how tenderly you advised an abstemious introduction of literary topics before the lady, with a caution not to be too forward in bringing on the carpet matters more within the sphere of her intelligence. your deliberate judgment, or rather wise suspension of sentence, how far jacks, and spits, and mops, could with propriety be introduced as subjects; whether the conscious avoiding of all such matters in discourse would not have a worse look than the taking of them casually in our way; in what manner we should carry ourselves to our maid Becky, Mrs. William Weatherall being by; whether we should show more delicacy, and a truer sense of respect for Will's wife, by treating Becky with our customary chiding be-

fore her, or by an unusual deferential civility paid to Becky as to a person of great worth, but thrown by the caprice of fate into a humble station. There were difficulties, I remember, on both sides, which you did me the favour to state with the precision of a lawyer, united to the tenderness of a friend. I laughed in my sleeve at your solemn pleadings, when lo! while I was valuing myself upon this flam put upon you in New South Wales, the devil in England, jealous possibly of any lie-children not his own, or working after my copy has actually instigated our friend (not three days since) to the commission of a matrimony, which I had only conjured up for your diversion. William Weatherall has married Mrs. Cotterel's maid. But to take it in its truest sense, you will see, my dear F., that news from me must become history to you; which I neither profess to write, nor indeed care much for reading. No person, under a diviner can with any prospect of veracity conduct a correspondence at such an arm's length. Two prophets, indeed, might thus interchange intelligence with effect; the epoch of the writer (Habbakuk) falling in with the true present time of the receiver (Daniel); but then we are no prophets.

Then as to sentiment. It fares little better with that. This kind of dish, above all, requires to be served up hot; or sent off in water-plates, that your friend may have it almost as warm as yourself. If it have time to cool, it is the most tasteless of all cold meats. I have often smiled at a conceit of the late Lord C. It seems that travelling somewhere about Geneva, he came to some pretty green spot, or nook, where a willow, or something hung so fantastically and invitingly over a stream—was it?—or a rock?—no matter—but the stillness and the repose, after a weary journey 'tis likely, in a languid moment of his Lordship's not restless life, so took his fancy, that he could imagine no place so proper, in the event of his death, to lay his bones in. This was all very natural and excusable as a sentiment, and shows his character in a very pleasing light. But when from a passing sentiment it came to be an act; and when by a positive testamentary disposal, his remains were actually carried all that way from England; who was there, some desperate sentimentalists excepted, that did not ask the question, Why could not his Lordship have found a spot as solitary, a nook as romantic, a tree as green and pendent, with a stream as emblematic to his purpose, in Surrey, in Dorset, or in Devon? Conceive the sentiment hoarded up, freighted, entered at the Custom House (startling the tide-waiters with the novelty), hoisted into a ship. Conceive it pawed about and handled between the rude jests of tarpaulin ruffians—a thing of its delicate texture—the salt bilge wetting it till it became as vapid as a damaged lustring. Suppose it in material danger (mariners have some superstition about sentiments) of being tossed over in a fresh gale to some propitiatory shark (spirit of Saint Gothard, save us from a quietus so foreign to the deviser's purpose!) but it has happily evaded a fishy consummation. Trace it then to its lucky landing—at Lyons shall we say?—I have not the map before me—jostled upon four men's shoulders—baiting at this town—stopping to refresh at t'other village—waiting a passport here, a licence there; the sanction of the magistracy in this district, the concurrence of the ecclesiastics in that canton; till at length it arrives at its destination, tired out and jaded, from a brisk sentiment, into a feature of silly pride or tawdry senseless affectation. How few sentiments, my dear F., I am afraid we can set down, in the sailor's phrase, as quite sea-worthy.

Lastly, as to the agreeable levities, which, though contemptible in bulk, are the twinkling corpuscula which should irradiate a right friendly epistle—your puns and small jests are, I apprehend, extremely circumscribed in their sphere of action. They are so far from a capacity of being packed up and sent beyond sea, they will scarce endure to be transported by hand

from this room to the next. Their nutriment for their brief existence is the intellectual atmosphere of the bystanders; or this last is the fine slime of Nilus—the *melior lutus*,—whose maternal recipiency is as necessary as the *sol pater* to their equivocal generation. A pun hath a hearty kind of present ear-kissing smack with it; you can no more transmit it in its pristine flavour, than you can send a kiss. —Have you not tried in some instances to palm off a yesterday's pun upon a gentleman, and has it answered? Not but it was new to his hearing, but it did not seem to come new from you. It did not hitch in. It was like picking up at a village ale-house a two days old newspaper. You have not seen it before, but you resent the stale thing as an affront. This sort of merchandise above all requires a quick return. A pun, and its recognitory laugh, must be co-instantaneous. The one is the brisk lightning, the other the fierce thunder. A moment's interval, and the link is snapped. A pun is reflected from a friend's face as from a mirror. Who would consult his sweet visnomy, if the polished surface were two or three minutes (not to speak of twelve-months, my dear F.) in giving back its copy?

I cannot imagine to myself wheres about you are. When I try to fix it, Peter Wilkins's island comes across me. Sometimes you seem to be in the *Hades* of *Thieves*. I see Diogenes prying among you with his perpetual fruitless lantern. What must you be willingly this time to give for the sight of an honest man! You must almost have forgotten how *we* look. And tell me, what your Sydneyites do? are they thieving all day long? Merciful heaven, what property can stand against such a depredation! The kangaroos—your Aborigines—do they keep their primitive simplicity un-Europe-taunted, with those little short fore-puds, looking like a lesson framed by nature to the pickpockets? Marry, for diving into fobs they are rather lamely provided *a priori*; but if the hue and cry were once up, they would show as fair a pair of hind-shifters as the expertest loco-motor in the colony.—We hear the most improbable tales at this distance. Pray, is it true that the young Spartans among you are born with six fingers, which spoils their scanning?—It must look very odd; but use reconciles. For their scansion, it is less to be regretted, for if they take it into their heads to be poets, it is odds but they turn out, the greater part of them, vile plagiarists.—Is there much difference to be seen between the son of a thief, and the grandson? or where does the taint stop? Do you bleach in three or in four generations? —I have many questions to put, but ten Delphic voyages can be made in a shorter time than it will take to satisfy my scruples.—Do you grow your own hemp?—What is your staple trade, exclusive of the national profession, I mean? Your lock-smiths, I take it, are some of your great capitalists.

I am insensibly chatting to you as familiarly as when we used to exchange good-morrows out of our old contiguous windows, in pump-famed Hare-court in the Temple. Why did you ever leave that quiet corner?—Why did I?—with its complement of four poor elms, from whose smoke-dyed barks, the theme of jesting naturalists, I picked my first lady-birds! My heart is as dry as that spring sometimes proves in a thirsty August, when I revert to the space that is between us, a length of passage enough to render obsolete the phrases of our English letters before they can reach you. But while I talk, I think you hear me,—thoughts dallying with vain surmise—

Aye me! while thee the seas and sounding shores
Hold far away.

Come back, before I am grown into a very old man, so as you shall hardly know me. Come, before Bridget walks on crutches. Girls whom you left children have become sage matrons, while you are tarrying there. The blooming Miss W—r (you remember Sally W—r) called upon us yesterday, an aged crone. Folks, whom you knew, die off every year. Formerly,

I thought that death was wearing out, —I stood ramparted about with so many healthy friends. The departure of J. W. two springs back corrected my delusion. Since then the old divorcer has been busy. If you do not make haste to return, there will be little left to greet you, of me, or mine.

Something of home matters I could add; but *that*, with certain remembrances, never to be omitted, I reserve for the postscript to this light epistle; which postscript, for weighty reasons, justificatory in any court of feeling, I think better omitted in this first edition. ELIA.

London, March 1, 1822.

HYÆNAS' CAVE IN YORKSHIRE.

A PAPER lately presented to the Royal Society, by Mr. Buckland, gives a detailed account of an antediluvian den of hyænas discovered last summer at Kirkdale, near Kirby Moorside in Yorkshire, about 25 miles north-east of York.

The den is a natural fissure or cavern in oolitic limestone extending 300 feet into the body of the solid rock, and varying from two to five feet in height and breadth. Its mouth was closed with rubbish, and overgrown with grass and bushes, and was accidentally intersected by the working of a stone quarry. It is on the slope of a hill about 100 feet above the level of a small river, which, during great part of the year, is engulphed. The bottom of the cavern is nearly horizontal, and is entirely covered to the depth of about a foot, with a sediment of mud deposited by the diluvian waters. The surface of this mud was in some parts entirely covered with a crust of stalagmite; on the greater part of it, there was no stalagmite. At the bottom of this mud, the floor of the cave was covered from one end to the other with teeth and fragments of bone of the following animals: hyæna, elephant, rhinoceros, hippopotamus, horse, ox, two or three species of deer, bear, fox, water-rat and birds.

The bones are for the most part broken, and gnawed to pieces, and the teeth lie loose among the fragments of the bones; a very few teeth remain still fixed in broken fragments of the jaws. The hyæna bones are broken to pieces as much as those of the other animals. No bone or tooth has been rolled, or in the least acted on by water, nor are there are any pebbles mixed with them. The bones are not all mineralized, and retain nearly the whole of their animal gelatin, and owe their high state of preservation to the mud in which they have been imbedded. The teeth of hyænas are most abundant; and of these, the greater part are worn down almost to the stumps, as if by the operation of gnawing bones. Some of the bones have marks of the teeth on them; and portions of the fæcal matter of the hyænas are found also in the den. These have been analyzed by Dr. Wollaston, and found to be composed of the same ingredients as the album græcum, or white fæces of dogs that are fed on bones, viz. carbonate of lime, phosphate of lime, and triple phosphate of ammonia and magnesia; and on being shown to the keeper of the beasts at Exeter Change, were immediately recognized by him as the dung of the hyæna. The new and curious fact of the preservation of this substance is explained by its affinity to bone.

The animals found in the cave agree in species with those that occur in the diluvian gravel of England, and of great part of the northern hemisphere; four of them, the hyæna, elephant, rhinoceros, and hippopotamus, belong to species that are now extinct, and to genera that live exclusively in warm climates, and which are found associated together only in the southern portions of Africa near the Cape. It is certain from the evidence afforded by the interior of the den, which is of the same kind with that afforded by the ruins of Herculaneum and Pompeii that all these animals lived and died in Yorkshire, in the period immediately preceding the deluge; and a similar conclusion may be drawn with respect to England generally, and

to those other extensive regions of the northern hemisphere, where the diluvian gravel contains the remains of similar species of animals. The extinct fossil hyæna most nearly resembles that species which now inhabits the Cape, whose teeth are adapted beyond those of any other animal to the purpose of cracking bones, and whose habit it is to carry home parts of its prey to devour them in the caves of rocks which it inhabits. This analogy explains the accumulation of the bones in the den at Kirkdale. They were carried in for food by the hyænas; the smaller animals, perhaps, entire; the larger ones piecemeal; for by no other means could the bones of such large animals as the elephant and the rhinoceros have arrived at the inmost recesses of so small a hole, unless rolled thither by water; in which case, the angles would have been worn off by attrition, but they are not.

Judging from the proportions of the remains now found in the den, the ordinary food of the hyænas seems to have been oxen, deer, and water-rats; the bones of the larger animals are more rare; and the fact of the bones of the hyænas being broken up equally with the rest, added to the known preference they have for putrid flesh and bones, renders it probable that they devoured the dead carcasses of their own species. Some of the bones and teeth appear to have undergone various stages of decay by lying at the bottom of the den while it was inhabited, but little or none since the introduction of the diluvian sediment in which they have been imbedded. The circumstances of the cave and its contents are altogether inconsistent with the hypothesis, all of the various animals of such dissimilar habits having entered it spontaneously, or having fallen in, or been drifted in by water, or with any other than that of their having been dragged in, either entire or piecemeal, by the beasts of prey whose den it was.

Five examples are adduced of bones of the same animals discovered in similar caverns in other parts of this country, viz. at Crawley Rocks near Swansea, in the Mendip Hills, at Clifton, at Wirksworth, in Derbyshire, and at Oreston near Plymouth.

In the German caves, the bones are in nearly the same state of preservation as in the English, and are not in entire skeletons, but dispersed as in a charnel house. They are scattered all over the caves, sometimes loose, sometimes adhering together by stalagmite, and forming beds of many feet in thickness. They are of all parts of the body, and of animals of all ages: but are never rolled. With them is found a quantity of black earth derived from the decay of animal flesh; and also in the newly discovered caverns, we find descriptions of a bed of mud. The latter is probably the same diluvian sediment which we find at Kirkdale. The unbroken condition of the bones, and presence of black animal earth, are consistent with the habits of bears, as being rather addicted to vegetable than animal food, and in this case, not devouring the dead individuals of their own species. In the hyæna's cave, on the other hand, where both flesh and bones were devoured, we have no black earth; but instead of it we find in the album græcum, evidence of the fate that has attended the carcasses and lost portions of the bones whose fragments still remain.

Three fourths of the total number of bones in the German caves belong to two extinct species of bear, and two thirds of the remainder to the extinct hyæna at Kirkdale. There are also bones of an animal of the cat kind (resembling the jagua or spotted panther of South America) and of the wolf, fox, and polecat, and rarely of elephant and rhinoceros.

The bears and hyænas of all these caverns, as well as the elephant, rhinoceros, and hippopotamus, belong to the same extinct species that occur also fossil in the diluvian gravel, whence it follows that the period in which they inhabited these regions was that immediately preceding the formation of this gravel by that transient and universal inundation which has left traces of its ravages committed at no very distant period over the sur-

face of the whole globe, and since which, no important or general physical changes appear to have affected it.

CASES IN THE COURTS OF LOVE.

We shall, according to our promise, give some reports of cases in these Courts, in order that our readers may have a more definite idea of the nature of the offences over which they had jurisdiction.

"This was an action, in the nature of trover, for a kiss.* The defendant pleaded that he had long loved the said plaintiff, whereof she had notice; but that not regarding him, she had wholly neglected and refused to entertain his said suit. And he farther said that he had at length so much prevailed upon her the said plaintiff, that she undertook and faithfully promised the said defendant to give him the said kiss; yet, that not regarding her promise and undertaking, she the said plaintiff had always, up to the time of the said supposed grievance, excused herself from so doing, sometimes alleging to the said defendant that she had been prevented therefrom, and at other times asserting that it was not a proper opportunity in that behalf.—And the said defendant affirmed that he had been for the space of three months in pursuit of the said kiss, which was a great pity. And he further said, that on a certain day, when Danger was absent, he prayed the said plaintiff to perform and fulfil her said promise and undertaking; but perceiving that the said plaintiff was not willing so to do, he then and there took the said kiss, as it was lawful for him so to do. And he prayed his costs.

"And the said plaintiff for replication said, that she did not undertake or promise in manner and form as the said defendant had above alleged, for that the said promise was a conditional promise only, to wit, at the will and pleasure of the said plaintiff, when and where it should please her the said plaintiff to fulfil the same.

"And the said defendant for rejoinder said, that the said plaintiff did undertake and promise, in manner and form aforesaid, without this, that the said promise was conditional. And he further said, that though there had been neither gift nor promise, that he reasonably deserved to have for his care, diligence, and attendance given and bestowed by him the said defendant in the service of the said plaintiff, at least the reward of the said kiss, and that it was therefore lawful for him the said defendant to take out execution for the same, and to possess himself thereof as of his own proper goods and chattels, which had come to his possession by finding. And he concluded as before.

"And now the parties having been heard, and mature deliberation being thereupon had, the Court gave judgment for the defendant, and decreed the plaintiff to pay costs. And the Court further directed the said plaintiff specifically to perform her said promise, at the instance and requsst of the said defendant, no account being taken of the said former salute."

The great utility of these institutions is very conspicuous in the following case. From that it appears, that the jurisdiction of the Courts of Love extended even to the regulating

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* In our courts the *form* of action would be different. For an injury of this kind undoubtedly an action of assault and battery would lie. It seems extremely doubtful whether, according to our law, there could be any property in a kiss It might perhaps be argued, that it comes within the definition of an incorporeal hereditament, which is defined to be "a right issuing out of a thing corporate (whether real or personal), or concerning, or annexed to, or exercisable within the same." 2 *Bl. Com.* 20. And again, the existence of incorporeal hereditaments is said to consist merely in idea, and abstracted contemplation. *Idem.* If this was considered to be law, such property would require a grant by deed to pass it, or perhaps it might be considered to pass by actual delivery, according to the case of *Smallpiece and Ironside.* 2 *Burn and Ald.* 551. However, we find no mention of this question in the books.

the minutest points of decorum in the intercourse of polished society. The grievance complained of in the case we are about to cite, is one of considerable magnitude (we speak from experience) even at the present day. Nor is there, as we apprehend, any mode of redress upon such occasions. To expostulate with the lady is impossible. The only method of relief now acknowledged, and a most pregnant proof it is of the barbarity and degeneracy of the age, is to call out the brother of the offending lady. But how much more preferable is a civil proceeding before such a tribunal as the Court of Love.

"This was an action brought by the plaintiff, a lover, against the defendant, to whom he was attached, for refusing to dance with him. The declaration stated, that on, &c. at &c. the plaintiff had requested the said defendant to dance, which she, without any reasonable cause in that behalf, refused to do, alleging a certain trivolous excuse. That afterwards the said plaintiff did again, with great earnestness, humbly request the said defendant to dance a few steps with him, to save him, the said plaintiff, from being laughed at, by certain persons then and there present, which she also refused to do. And he averred that he had on divers occasions moved to the said defendant, and taken off his hat whenever he, the said plaintiff, met her. Yet, although the said defendant will knew that he was stricken with, and loved her, she nevertheless wholly disdained and refused to speak to him the said plaintiff; or if at any time the said defendant said 'How d'ye do' to the said plaintiff, it was with a toss of the head of her the said defendant. The declaration concluded in the usual manner."

"The defendant suffered judgment to go by default, and now on this day the Court pronounced sentence.

"The Court decrees the defendant to dance with the plaintiff, whether she wishes it or not; or, at all events, to dance a few steps with him. The Court permits the plaintiff, when the defendant and another are seeking for a third to form a *pas de trois*, to step in, without asking permission, and to form the third; and the Court being informed that the defendant has spoken contemptuous words of its process, and said that the plaintiff would lose his labour in suing her, permits the plaintiff to pass her without moving to her, or saying 'how d'ye do,' and declares him exempt from courtesying to her during the dance, as others are used to do. And the plaintiff is to have his costs."

We have given the preceding cases at length, in order to afford some idea of the proceedings in these courts; we shall now abridge a few of the most curious reports.

An action was brought by the heirs of a lover to compel a lady to shew them the same politeness which their ancestor had always experienced from her. They alleged that they had discovered, amongst the papers of the defunct, an agreement, by which the defendant had bound herself to wish the deceased good-day whenever she met him, and to make him a courtesy, and they said that, as heirs at law, they were entitled to the benefit of this agreement.

The defendant insisted that the contract was merely personal, and that it could not descend to the representatives of her lover, after his death.

The plaintiffs contended that if any thing had been due from their ancestor to the defendant, they would have been answerable to her.

To this the defendant replied, that there was a great distinction between debts or goods and chattels, and the personal property of Love; and she insisted that if judgment was given for the plaintiffs, she should be burthened with making two courtesies instead of one.

Judgment was given for the defendant.

An action was brought by a young married lady against her husband, for not allowing her to wear a gown and a bonnet made in the newest fashion. The pleadings ran to a considerable

length, and the Court declared that the matter should be referred to two milliners, who should report thereon, and if any thing objectionable were found in the fashion of the gown and bonnet, the Court directed that the referees should call in the assistance of two ladies, on the part of the plaintiff, and two on the part of the defendant, to assist them in their judgment.

An action was brought by the plaintiff against the defendant, for having pricked him with a pin whilst she was giving him a kiss. The defendant denied ever having given the plaintiff a kiss, but, on the contrary, said that the plaintiff had taken it; and she said that the wound, if any, had happened only by mischance and accident.

Certificates from several surgeons were produced of the nature and extent of the wound, and the Court sentenced the defendant to kiss the wound at all reasonable times, until it was healed, and to find linen for plasters.

We shall conclude our extracts with two cases; the one, from Andre the Chaplain, the other from a Tenson, or poetical report given by Mr. Raynouard.

A lady imposed on her lover an express condition never to praise her in public. The knight in a large company heard some observations made in disparagement of his lady. Unable to contain himself, he repelled the accusations, and launched forth in her praise. The lady contended that he had broken the condition, and therefore forfeited all claims to her favour. The Countess of Champagne, however, before whom the cause was tried, decreed that the condition was illegal, and that the knight was justified in defending the character of his lady.

We have already said that it is probable the Courts of Love had their orgin in the Tensons, or poetical disputes of rival Troubadours. These were frequently referred to the judgment of some of their most celebrated companions, or of some neighbouring beauty, to whose decision the candidates for fame were gallantly willing to submit. In process of time, these references became more frequent till they were at length matured into that perfect system of Erotic jurisprudence which is so well calculated to attract the admiration and respect of all who value the grace and polish of highly cultivavated society. Of those Tensons, we having several specimens remaining, in the works of those Troubadours who have survived to the present day. Amongst these compositions there is, perhaps, no one which excels in lively beauty the Tenson of Savari de Maleon. We do not, however, in this place, quote the composition for its poetical excellencies, but merely as a sort of judicial document, illustrating the subject of which we are treating.

Savari de Maleon and two other lords were attached to a lady who was called Guillemette de Baroques. During an interview when all the three were present, each received a mark of her regard; on one she betowed a kind glance, she pressed the hand of another, and touched the foot of the third, at the same time looking benignantly on him.

To settle the precedency of these favours, Savari requested his friends Gancelin de Faidit and Huges de Bacalara to pronounce their judgment upon the question, and at the same time he delivered his own opinion. From the report in Raynouard it seems, however, that the ultimate decision was referred to the Lady Guillemette herself.

KIT-CAT CLUB.

The Kit-Cat Club comprehended almost every name of eminence in the busy transactions of its day. Marlborough, Godolphin, Wharton, Newcastle, Kingston, Dorset, Montague, Grafton, Burlington, Wilmington, Halifax, Orford, Bath, Cobham, &c. with the not less memorable names of Steele, Garth, Addison, Congreve, Vanbrugh, Kneller, &c. amounting in all to forty-eight names, among whom

were ten dukes, and twenty other peers.

This catalogue shames our modern mediocrity. The origin of the Club was professedly literary. Halifax, "the poet's friend," was probably the founder; and his spirit shewed itself in the liberality and literary elegance of the association. It is ascertained, that one of their first proposals was a subscription prize of 400 guineas, for the best comedy. In modern money this sum would probably be little less than £1000; a most munificent liberality.

Tonson the bookseller, a name high in the literary list of the day, was the ostensible founder, and through his life, the diligent instrument of the Club. He established its place of entertainment at the house of *Christopher Cat*, a cook in *Shire Lane, Temple Bar!* How are the mighty fallen! This *Nidus* of the Augustan age is now permeable only by the pickpockets and profligates, who fly the constables who follow them. *Kit Cat*, who had already erected a name illustrious for pies, was patronised by the growing opulence and obesity of the bookseller, and upon his strong recommendation the club was fixed under the pieman's roof. Such company soon increased his resources, as well as made a larger establishment necessary, and he removed from *Shire Lane* to the *Fountain Tavern*, in the *Strand*. The Club now distended its superior accommodation; and from thirty-nine increased to forty-eight. *Tonson* had at length risen to the summit of city enjoyment, and had possessed himself of a villa at Barnes Elms, in Surrey, where he subsequently built a room for the Club. But occasionally in the summer their dinners were held at the *Flask Tavern*, on *Hampstead Heath*, a house which afterwards became the property of George Stevens. In this graceful, humanizing, and manly intercourse, the Club passed twenty years, from its institution in 1700. Why was there no *Boswell* among them? What delightful volumes have been lost to the world by the want of some slavish and minute compiler of the vast variety of anecdote, lively observations, and foreign and domestic knowledge of men accomplished by travel, education, courtly intercourse, and habits of public life, the giving free way to all their powers and graceful propensities in the pleasantness of safe conversation, and the natural exhilaration of minds escaped from midnight debates and murky offices to open air and summer! The Lives of the Members have just been published. They are collected from the memoirs of the times, now scattered through a vast extent of obscure volumes. This work has the merit of placing them before the public in a very clear and interesting order.

We give some fragments as specimens of the spirit and style.

Anecdotes of the Duke of Somerset.—Some remarkable anecdotes, illustrative of the intolerable pride of the Duke of Somerset, are related on various authorities. His second duchess once familiarly tapped him on the shoulder with her fan; when he turned round, and with a look of marked displeasure, observed, "My first duchess was a Percy, and she never took such a liberty." His children were taught to obey his injunctions with the most profound respect. The two youngest of his daughters were accustomed to stand and watch him alternately whilst he slept in an afternoon. On one occasion Lady Charlotte feeling herself fatigued, sat down. The Duke waked unexpectedly, and expressing his surprise at her disobedience, declared he would remember her want of decorum in his will. He left this daughter £20,000 less than her sister. Noble, in his continuation of Granger, relates that the Duke once sent for the celebrated painter, James Seymour, to Petworth, to take the portraits of his race-horses, and one day at dinner drank to him with, "Cousin Seymour, your health." The painter replied, "My Lord, I really do believe I have the honour of being of your Grace's family." The

Duke offended, rose from table, and desired his steward to pay Seymour and dismiss him. Another artist was sent for, but finding himself incapable of finishing the pictures in the style in which they were begun, he had the honesty to acknowledge so to the Duke, and humbly recommended him to recall Seymour. The haughty peer did condescend to summon his cousin once more, who answered the mandate in these words:—"My Lord, I will now prove myself of your Grace's family, for I won't come!" The witty Sir James Delaval, upon a particular occasion, laid a wager of £1000 that he would make the Duke give him precedence; but this was judged next to impossible, for his Grace was all eye and ear in every thing in which his dignity was concerned. Delaval, however, having on a certain day obtained information of the precise time at which the Duke was to enter a narrow part of the road, in his way to town, stationed himself there in a coach emblazoned with the arms, and surrounded by many servants in the livery of the house of Howard, who called out when Somerset appeared, "the Duke of Norfolk!" Fearful of committing a breach of etiquette, his Grace hurried his postillion under a hedge, where he had no sooner drawn up, than Delaval drove by, and, leaning out of the carriage-window, bowed with a familiar air, and wished his Grace a good morning, who indignantly exclaimed, "Is it you, Sir James?—I thought it had been the Duke of Norfolk." This stratagem was much talked of, and created a good deal of amusement at the time.

Anecdote of the Duke of Newcastle.—A laughable story was circulated during the Duke of Newcastle's administration, and which, with whatever scepticism the reader may be disposed to regard it, is too amusing to be passed over in silence.

At the election for a borough in Cornwall, where the ministerial and opposition interests were so equally poised that a single vote was of the utmost importance, a person not expected to give his suffrage in favour of the aristocratical side of the the question, suddenly altered his mind, and by his apostacy turned the tide of affairs completely to the satisfaction of the Duke, whose friend and dependant was elected, and the contest put an end to by the possessor of the casting vote. In the warmth of gratitude for aid so gratuitous and unexpected, the Duke poured forth many acknowledgments and professions of friendship in the ear of the vacillating constituent, and frequently begged to be informed in what manner he could repay an obligation he was pleased to acknowledge so important. The happy voter, who was a farmer and petty landholder in the neighbourhood, thanked the Duke cordially for his kindness, and told him that "the supervisor of excise was old and infirm, and if he would have the goodness to recommend his son-in-law to the commissioners in case of the old man's death, he should think himself and his family bound to render government every assistance in their power on any future occasion."

"My dear friend, why do you ask for such a trifling employment?" exclaimed his Grace; "your relation shall have it at a word speaking, the moment it is vacant." "But how shall I get admitted to you, my Lord; for in London I understand it is a very difficult business to get a sight of you great folk, though you are so kind and complaisant to us in the country?" "The instant the man dies," replied the premier, used to, and prepared for the freedoms of a contested election, "the moment he dies, set out post haste for London; drive directly to my house, by day or night, sleeping or waking, ill or well; thunder at the door; I will leave word with my porter to shew you up stairs directly, and the eployment shall be disposed of according to your wishes without fail."

The parties separated, and it is probable that the Duke of Newcastle in a very few hours forgot there was such a worthy as the Cornish voter in

existence. Not so with the place-anticipating elector; his memory, cumbered with a less perplexing variety of objects than the Duke's, turned out to be the most retentive of the two. The supervisor yielded in a few months afterwards to that most insatiable and scrutinizing of all gaugers, Death; and the ministerial partizan, relying on the word of the peer, was conveyed to London by the mail, and having ascended the steps of a large house (now divided into three) at the corner of Great Queen Street, Lincoln's Inn Fields, "thundered at the door!"

It should in this place be premised, that precisely at the moment when the expectation of a considerable party of a borough in Cornwall were excited by the death of a supervisor, no less a person than the King of Spain was expected hourly to depart; an event in which all Europe, but more especially Great Britain, was materially interested.

The Duke of Newcastle, on the very night that the proprietor of the decisive vote was at his door, had sat up anxiously expecting dispatches from Madrid; wearied, however, by official business, he retired to rest, having previously given instructions to his porter not to go to bed, as he expected a messenger with advices of the greatest importance, and desired that he might be shewn up stairs the moment of his arrival. His Grace had just fallen asleep, when the loud rap of his friend from Cornwall saluted his ear, and effectually dispelled his slumbers.

To the first question of "is the Duke at home?" (it was two o'clock in the morning) the porter answered, "Yes, and in bed; but has left particular orders that come when you will you are to go up to him directly."—"God for ever bless him, a worthy and honest gentleman!" exclaimed the mediator for the vacant supervisorship, smiling and nodding with approbation at a prime minister so accurately keeping his promise. "How punctual his Grace is! I knew he would not deceive me: let me hear no more of lords and dukes not keeping their words—I verily believe they are honest as well as other folk." Repeating these words as he strided up the stairs, the burgess of Cornwall was ushered into the Duke's bed-chamber.

"Is he dead?" enquired his Grace, rubbing his eyes, and scarcely awaked from dreaming of the King of Spain, "Is he dead?" "Yes, my Lord," replied the eager expectant, delighted to find that the election promise was so fresh in the minister's recollection. "When did he die?" "The day before yesterday, exactly at half past one o'clock, after being confined three weeks to his bed, and taking a *power of doctor's stuff*; and I hope your Grace will be as good as your word, and let my son-in-law succeed him!"

The Duke, by this time perfectly awake, was staggered at the impossibility of receiving intelligence from Madrid in so short a space of time, and perplexed at the absurdity of a king's messenger applying for his son-in-law to succeed the King of Spain. "Is the man drunk or mad? where are your dispatches?" vociferated his Grace, hastily drawing aside the curtains of the bed; when, instead of a royal courier, he recognized the fat, good-humoured countenance of his friend from Cornwall, making low bows, with hat in hand, and "hoping my Lord would not forget the gracious promise he was so good as to make in favour of my son-in-law at the late election."

Vexed at so untimely an interruption, and disappointed of his important dispatches from Spain, the Duke frowned for a few seconds, but chagrin soon gave way to mirth at so singular and ridiculous a combination of opposite circumstances, and he sunk on the bed in a violent fit of laughter, to the entire discomfiture and confusion of the pliant and obsequious farmer, who very probably began to conjecture that lords and dukes were not in the habit of testifying that profound respect at the sight of their friends which he thought consistent with their nobility of deportment.

However, though his Grace could not manage to place the son of his old acquaintance on the throne of his Catholic Majesty the King of Spain, he advanced him to a post which some persons might consider not *less* honourable—he made him an excise man.

Anecdotes of Lord Oxford.

When Walpole quarrelled with Lord Sunderland, he went over to the opposition, and on the debate upon the capital clause in the mutiny bill, he made use of this strong expression, "Whoever gives the power of blood, gives blood." The question being carried in favour of the ministry by a small majority, Sir Robert said after the division, "Faith, I was afraid that we had got the question;" his good sense (observes Mr. Seward, from whom this anecdote is quoted) perfectly enabling him to see that armies could not be kept in order without strict discipline, and the power of life and death.

Walpole had always very exact intelligence of all that was passing at the court of the Pretender. When Alderman Barber visited the minister after his return from Rome, he asked him how his old friend, the Pretender, did. The alderman was much surprised; Sir R. then related some minute particulars of a conversation which had taked place between them. "Well then, Jack," said Robert, "go, and sin no more, lest a worse thing befall thee."

Walpole was accustomed to say, when speaking of corruption, "We ministers are generally called, and are sometimes, tempters, but we are oftener tempted."

POETRY.

CAIN ON THE SEA-SHORE.

[from the German of Stolberg.]

Whither does frantic horror urge
My hurried steps?—O woe is me!
These dark waves roll a sanguine tide—
No, no—they are the sea.

To the broad earth's remotest verge
The wrath of God before me flies,
And with a voice that tears my soul
"Vengeance—eternal vengeance" cries.

I am accursed—my brother's blood
Dashes against this wild sea shore;
It shrieks upon the hollow blast—
It thunders in the torrent's roar.

As round the craggy wave-worn rock
Whirls the impetuous, eddying flood,
So fiercely terror rackes my frame
From God's decree for Abel's blood.

Lay bare thy depth, thou great profound!
Shew me the womb of night, thou deep!
Vain prayer—the Avenger waits me there;
His eyes are flame—they never sleep.

Plunged in thy bottomless abyss,
Abel's pale form would meet my sight,
As flying—flying, now I see it
On the tall mountain's topmost height.

Ever since my brother's blood was spilt,
O woe is me!—O woe is me!
My steps the Avenger's curse pursues,
It follows—ever follows me!

DRAMATIC FRAGMENT.

All are not false. I knew a youth who died
For grief, because his Love proved so,
And married with another.
I saw him on the wedding day,
For he was present in the church that day,
In festive bravery deck'd,
As one that came to grace the ceremony.
I mark'd him when the ring was given,
His countenance never changed;
And when the priest pronounced the marriage blessing,
He put a silent prayer up for the bride,
For so his moving lip interpreted.
He came invited to the marriage feast
With the bride's friends,

And was the merriest of them all that day:
But they, who knew him best, call'd it feign'd mirth;
And others said,
He wore a smile like death upon his face.
His presence dash'd all the beholders' mirth,
And he went away in tears.

What followed then?
He died,
Nor ever spake word of reproach;
Only in death he wished that his remains
Might find a poor grave in some spot, not far
From his mistress' family vault, "being the place
Where one day Anna should herself be laid."

A FESTAL ODE.

What constitutes a feast?
Not haunch of venison, of flavour true,
Fat, juicy, nicely drest;
Nor turtle calipash of verdant hue;
Nor soup, in whose rich flood,
French cooks a thousand relishes infuse;
Not fricassees well stewed,
Nor France's greater boast, high-famed ragouts:
Not a sirloin of beef,
Crowning a dish in which rich gravy lies;
Not turbot, ocean chief,
Which ruddy lobster-sauce accompanies;
No—a good appetite,
And good digestion, turn into a feast
Whate'er front-tooth can bite,
And grinders manducate, and palate taste.
Be it homely bread and cheese,
Of which the ravenous carl tucks in some pounds;
Of bacon smoked, where grease,
Five fingers thick each stripe of lean surrounds;
Be it onion, fiery root,
Whose rank effluvia draws unbidden tears;
Potatoe, Erin's fruit,
With which the bogtrotter his stomach cheers;
Be it cabbage, flabby leaf!
Which cross-legg'd tailors smack with liquorish chops;
Or oatmeal porridge, chief,—
Undoubted chief of Scotland's rustic slops.
Yet in these meals so plain,
Let but sharp appetite as guest attend,
And napkin'd Aldermen
May grudge the gifts with which the Gods descend.
This constitutes a feast,
To experience hunger and have wherewithal
(Though it be not of the best)
To stop the void bread-basket's healthy call.

LINES WRITTEN ON THE FIELD OF CRESSY, 1820.

Evening's warm hues are on the hill,
The foliage on the bough is still,
The sun's last rays appear—
Nor shock of arms, nor havock's rout,
Nor the steel'd warrior's battle-shout,
Break on the listening ear.

It was not thus when England's might
Met here in arms, and dared the fight
With Gallia's chivalry;
When here the white and waving crest
That the Bohemian helmet prest,
Was bathed in slaughter's dye.—

There at yon cross*, aged, feeble, blind,
Yet bearing still th' heroic mind
That scorns at destiny,
Died 'midst his foes the hoary king,
And the young victor triumphing
Tore his tall plumes away.

Yet lives the tower† where Edward stood
And gazed upon that scene of blood—
A tottering monument,
A silent solitary thing,
Witness of Cressy's combating
And Gaul's pale standard's rent:—

And those that saw without dismay
Her legions from their wide display,
High, confident, and brave,
But little deeming that an hour
Would strew in dust their mail-clad power,
Lake wreck upon the wave.

Boast of my country—storied field!
Where now are they who once could wield
Her sword so mightily?—
Where are my fathers?—they are gone;
And by the record only known
Of what thy glories say.

Cressy, farewell! I've trod thy plain
With thoughts that thrill'd through every vein,
And high romantic pride,
That England gave to thee thy fame,
And bore the sons of deathless name
Who in thy combat died.

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* A stone cross still marks the place where the king of Bohemia fell.

† A building, resembling a ruined windmill, is still shewn as the tower where Edward III. stood and the battle.